

**To:** madelyn.smith@epa.ohio.gov[madelyn.smith@epa.ohio.gov]; Patterson, Leslie[patterson.leslie@epa.gov]  
**From:** Brett.Fishwild@CH2M.com  
**Sent:** Thur 1/9/2014 2:51:46 PM  
**Subject:** RE: South Dayton Dump - revision of select OU2 RI/FS comments

Leslie –

I wanted to circle back to this email exchange below, as we feel it is a fairly significant issue for the OU2 work planning. Did you want to have further discussion on this, or are you comfortable with presenting this comment to the PRPs?

Thank you.

**From:** Fishwild, Brett/DAY  
**Sent:** Tuesday, December 17, 2013 3:35 PM  
**To:** Smith, Madelyn; patterson.leslie@epa.gov  
**Subject:** RE: South Dayton Dump - revision of select OU2 RI/FS comments

Thank you for this information, Maddie. We thought that the Ohio regulations would likely be the most important driver for this discussion. In that light then, we agree entirely that a discussion should be held and recommend one be done internally (USEPA, Ohio EPA, CH2M HILL) first before approaching the PRPs. The PRP's have been proceeding under the assumption that the presumptive remedy would only apply to OU1 and that OU2 would undergo a full RI/FS. Therefore it is possible that they indeed felt they could leave waste exposed at the surface in OU2, as long as it passed risk screening.

This then brings up a significant change in direction if they will be required to apply the presumptive remedy to OU2.

Thank you.

**From:** Smith, Madelyn [<mailto:madelyn.smith@epa.ohio.gov>]

**Sent:** Tuesday, December 17, 2013 11:24 AM  
**To:** Fishwild, Brett/DAY; [patterson.leslie@epa.gov](mailto:patterson.leslie@epa.gov)  
**Subject:** RE: South Dayton Dump - revision of select OU2 RI/FS comments

Leslie and Brett,

I have reviewed the comments by CH2M Hill. After looking into it, Ohio EPA agrees with CH2M Hill's comments on CRA's approach to the exposed waste on OU2, background comparison, and VI/HHRA.

With respect to exposed waste, Ohio EPA's closure requirements are applicable to the entire landfill area identified in the license application. Therefore they are applicable to both OU1 and OU2 areas. Leaving waste exposed does not meet the closure requirements and would not be allowed, risk notwithstanding. In order to not have to cap permitted areas, they would need to apply for (and be granted) a variance to the solid waste rules. For example, a 100 acre landfill could be licensed, but only 40 acres used. If the owners want to close the landfill and not have to cap the entire 100 acres, they need to apply for (and be granted) a variance to the solid waste rules. In effect, we start with the assumption that if SDD&L is to comply with applicable closure requirements, they will need to cap the entire site or demonstrate that OU2 was not used for disposal.

We may need to have a conference call to discuss this further. I will be out of the office starting tomorrow but back on Monday, Dec. 23. Leslie, you mentioned being gone until the 30<sup>th</sup>, so perhaps after that date we can have a call to go over this and the other issues we've been working on.

Maddie

*Madelyn Smith*

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*\*\*Ohio EPA's email addresses are changing. Please update your contact information to the new extension @epa.ohio.gov*

**From:** Brett.Fishwild@CH2M.com [mailto:Brett.Fishwild@CH2M.com]  
**Sent:** Monday, December 09, 2013 11:57 AM  
**To:** patterson.leslie@epa.gov; Smith, Madelyn  
**Subject:** South Dayton Dump - revision of select OU2 RI/FS comments

Leslie/Maddie –

During our last regulators call you requested that CH2M HILL provide additional information and clarification regarding several of our review comments for the OU2 RI/FS work plan. The action items from that call included:

- Simplified review comment on the statistical background comparison section
- Clarification on the VI review comments
- Discussion on exposed waste at ground surface, and how that might be addressed in a risk assessment
- Clarification on the ERA comments, specifically Row 26 (including attachment) of the CH2M HILL Excel file.

Please find attached a Word document that includes discussion on the statistical background comparison section, exposed waste at the surface, and VI issues. Also attached is a “App B CSM Figures” PDF file which includes the hand markup comments we referenced in our original comments.

One side comment - in regards to the discussion of sampling the exposed waste at the surface in OU2 for risk assessment, CH2M HILL has identified several factors to consider but recommends that USEPA and Ohio EPA discuss the matter as the ultimate risk managers for the site. This was a significant discussion topic with OEPA during the OU1 Streamlined FS review.

Please let us know if you have questions or concerns regarding these additional comments.

Thank you.

**Brett A. Fishwild**

Associate Project Manager

Geologist

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